#### SECOND DAY

(Tuesday, September 17, 1935)

The House met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Stevenson.

The roll was called and the follow-

ing Members were present:

Mr. Speaker Hankamer Adamson Hanna Adkins Hardin Aikin Harris of Archer Alexander Harris of Dallas Alsup Hartzog Ash Head Atchison Herzik Beck Hill Bergman Hodges Bourne Hofheinz Bradbury Holland Bradford Hoskins **Broyles** Howard Burton Huddleston **Butler of Brazos** Hunt Butler of Karnes Hunter Cagle Hyder Caldwell Jackson Calvert James

Canon Jefferson
Celaya Jones of Atascosa
Clayton Jones of Falls
Collins Jones of Shelby
Colquitt Jones of Wise

Colson Keefe King Cooper Lange Cowley Craddock Lanning Latham Crossley Daniel Leath Davis Lemens Davison of Fisher Leonard Davisson Lindsev of Eastland Lotief Dickison Lucas Luker Dunagan

Dunlap of Hays McCalla Dunlap of Kleberg McConnell McFarland Duvall McKee Dwyer England McKinnev Moffett Fain Moore Farmer Fisher Morris Ford Morrison Fox Morse Newton Frazer Gibson Nicholson Glass Oleen

Good Padgett
Graves Palmer
Grav Patterson
Greathouse Payne

Spears Petsch Pope Stanfield Quinn Steward Reed of Bowie Stinson Reed of Dallas Stovall Riddle Tarwater Roach of Angelina Tennyson Roach of Hunt Thornton Roane Tillery Roark Venable Roberts Waggoner Rogers Walker Russell Wells Rutta Westfall Scarborough

Scarborough Wood of Harrison
Sessions Wood of Montague
Settle Worley
Shofner Young
Smith Youngblood

Absent—Excused

Fitzwater. Mauritz Fuchs Reader Knetsch

A quorum was announced present. Rev. George W. Coltrin, Chaplain, offered prayer.

## LEAVES OF ABSENCE GRANTED

The following members were granted leaves of absence on account of important business:

Mr. Reader for today and the balance of the week, on motion of Mr. Young.

Mr. Fuchs for today, on motion of Mr. Davis.

Mr. Knetsch for today, on motion of Mr. McKee.

The following members were granted leaves of absence on account of illness:

Mr. Mauritz for today and the balance of the week, on motion of Mr. Bourne.

Mr. Fitzwater for today and the balance of the week, on motion of Mr. Roach of Hunt.

# HOUSE BILLS ON FIRST READING

The following House bills, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Dunlap of Hays, Mr. Hoskins, and Mr. Riddle:

H. B. No. 10, A bill to be entitled, "An Act to amend Chapter 75 of the

Acts of the Regular Session of the Forty-third Legislature, so as to create a conservation and reclamation district to be known as Guadalupe-Blanco River Authority, pursuant to and for the purposes set forth in Section 59 of Article XVI of the Constitution of the State of Texas, and to be a governmental agency, body politic and corporate, without power to levy taxes or assessments, or to create any indebtedness payable out of taxes or assessments, or to pledge the credit of the State; etc. . . and declaring an emergency."

Referred to Committee on Conservation and Reclamation.

By Mr. Fox, Mr. Graves, Mr. Patterson, Mr. Padgett, Mr. Hoskins, and Mr. Ash:

H. B. No. 11, A bill to be entitled "An Act making an appropriation for the use of the Lower Colorado River Authority, and declaring an emergency."

Referred to Committee on Appropriations.

By Mr. Fox, Mr. Graves, Mr. Patterson, Mr. Padgett, Mr. Hoskins, and Mr. Ash:

H. B. No. 12, A bill to be entitled "An Act amending Section 3 of the Lower Colorado River Authority Act, being Chapter 7 of the Acts of the Fourth Called Session of the Fortythird Legislature, so as to provide that Directors of the Lower Colorado Authority shall receive fees and expenses for attending meetings of the Board and attending to other business of the Authority, and declaring an emergency."

Referred to Committee on Conservation and Reclamation.

Mr. Alsup raised a point of order on the introduction of the above bills, and further consideration of same, on the ground that the subject matter contained in the bills has not been submitted by the Governor.

The Speaker sustained the point of order.

# COMPLETING ORGANIZATION OF THE HOUSE

Mr. Leonard offered the following resolution:

(Pending consideration of the resolution Mr. Jefferson occupied the Chair temporarily.)

(Speaker in the Chair.)

Whereas, It is the duty of the State of Texas to furnish the House of Representatives and its members with the proper facilities, employes, and supplies to permit them to conduct and transact their official business in a business-like and efficient manner; therefore, be it

Resolved by the House of Representatives of the First Called Session of the Forty-fourth Legislature of the State of Texas, That the Speaker of the House shall appoint the following employes for the First Called Session of the Forty-fourth Legislature to serve for such compensation as is herein provided, unless otherwise specified:

- 1. Parliamentarian to the House, at \$7.50 per day.
- 2. Two secretaries to the Speaker, at \$5.00 per day, each.
  - 3. One bill clerk, at \$4.00 per day.
- 4. One telegraph and telephone clerk, at \$4.00 per day.
- 5. One secretary to the Chief Clerk, at \$5.00 per day.
- 6. One bookkeeper for the Chief Clerk, at \$5.00 per day.
- 7. One stenographer to the Chief Clerk, at \$4.00 per day.
- 8. One clerk to the Chief Clerk, at \$4.00 per day.
- 9. One assistant to the Journal Clerk, at \$5.00 per day.
- 10. One assistant to the Calendar Clerk, at \$4.00 per day.
- 11. One clerk to the Committee on Appropriations, at \$6.00 per day.
- 12. One reference librarian, and data clerk, at \$5.00 per day.
- 13. One stenographer for the Committee on Appropriations at \$5.00 per day.
- 14. One page to the Committee on Appropriations, at \$3.00 per day.
- 15. One superintendent of stenographers, at \$6.50 per day.
- 16. Fifty expert stenographers and typists, at \$4.00 per day.
- 17. One superintendent of committee clerks, at \$5.00 per day.
- 18. Ten committee clerks at \$4.00 per day, each.
- 19. One clerk to the Committee on Claims and Accounts, at \$5.00 per day.

- One clerk for the Committee on Contingent Expenses, at \$5.00 per ing machine, at \$5.00 per day. day.
- 21. One assistant clerk to the Committee on Contingent Expenses, at \$4.00 per day.
- 22. One mailing clerk for the Journal, at \$4.00 per day.
- 23. One assistant mailing clerk for the Journal, at \$4.00 per day.
- 24. One supply clerk and storekeeper, at \$3.00 per day.
- 25. One assistant supply clerk, at \$2.50 per day.
- 26. One page to the Committee on Contingent Expenses, at \$2.50 per day.
- One stenographer for the Committee on Contingent Expenses, at \$5.00 per day.
- 28. One page to the Doorkeeper, at \$2.50 per day.
- 29. One page to the Assistant Doorkeeper, at \$2.50 per day.
- 30. One page for the Enrolling and Engrossing rooms, at \$2.50 per day.
- 31. One page for the stenographic force, at \$2.50 per day.
- 32. One messenger to carry papers to the Confederate Home, at \$2.00 per day.
- 33. Thirty pages, at \$2.50 per day, each.
- 34. One multigraph and/or mimeograph clerk, at \$4.00 per day.
- 35. One secretary to Mr. Alsup, at \$4.00 per day.
- 36. Three Assistant Sergeants-at-Arms, at \$4.00 per day, each.
- 37. One night watchman, at \$3.00 per day.
- 38. One assistant night watchman, at \$3.00 per day.
- 39. Ten porters, at \$2.00 per day, each.
- 40. One maid for ladies' lounge room, at \$2.00 per day.
- 41. One superintendent of porters, at \$3.50 per day.
- Two elevator boys, at \$2.00 per day, each.
- 43. One day houseman, at \$3.00 per day.
- 44. One night houseman, at \$3.00 per day.
- 45. One chief operator for voting machine, at \$7.50 per day.

- 46. One assistant operator for vot-
- 47. One extra duty porter \$2.50 per day.

Be It Further Resolved, That it shall be the duty of the Speaker, and he is hereby empowered, to dispense with the services of any employe who, in his judgment, is not further needed; or for the misconduct of any employe, and he shall have the power to appoint extra help whenever in his judgment it is needed. The duties of the employes heretofore mentioned shall be such as are required by the Speaker of the House of Representatives, and he is hereby empowered to apportion the hours and pay of parttime employes.

Any of the employes may be excused by the Speaker for causes deemed by him sufficient; provided, further, that any employe who shall absent himself without leave shall not receive any compensation for the time missed during his absence. The salaries of the employes shall begin when they are instructed to begin work by

the Speaker.

Be It Further Resolved, That each member of the House of Representatives of the First Called Session of the Forty-fourth Legislature be, and is hereby, allowed a credit in the sum of Thirty Dollars with the Committee on Contingent Expenses for expenditure for stationery, supplies, postage, telephone tolls and/or telegraph tolls. The Speaker shall be allowed an additional Thirty Dollars, the Chief Clerk shall be allowed Thirty Dollars, the Committee on Contingent Expenses and the Sergeant-at-Arms shall each be allowed Twenty Dollars, and the Committee on Appropriations shall be allowed Thirty Dollars. The Committee on Claims and Accounts shall be allowed Ten Dollars.

The Committee on Contingent Expenses shall procure and keep for the use of the House, its members, officers stationery, and committees, such stamps, and other supplies as may be needed and ordered by the House, the Speaker, and/or the Chairman of the Committee on Contingent Expenses. The Clerk of this Committee shall keep an itemized account of the quantity of every kind of material received, the date it was received, the price paid therefor, and the person from whom it was received. The unused remainder, if any, shall be delivered,

at the close of the session, to the Board of Control for safe keeping. The office of this Committee shall be kept open daily, except Sundays, from 8:30 a. m., until one hour after the adjournment of the House, and on Sundays from 9 a.m., to 11 a.m. The Committee shall keep a set of books, containing an account for each member, officer, and/or committee authorized by the House, to expend stationery, supplies, stamps, telephone and/or telegraph tolls, and shall charge to each such account its daily withdrawals. The clerk of the Committee shall furnish a statement to each, of the accounts, monthly, or when requested.

The Committee on Contingent Expenses shall have jurisdiction over the mailing of the Journal.

Each member shall be furnished with three weekly and/or daily newspapers, of his own selection.

Each member shall be furnished with a postoffice box, rent of which is to be paid by the Committee, if requested by a member.

All requisitions for paper and supplies necessary for the preparation of bills and/or resolutions, for the use of the Enrolling and Engrossing rooms and/or the standing committees of the House, shall be under the direction and care of the Committee on Contingent Expenses. This Committee is also authorized to rent a sufficient number of typewriters and other business machines for the use of the House and its employes, and to furnish same with proper materials.

Be It Further Resolved, That nine hundred copies of the House Journal be printed daily; one hundred to be delivered to the Senate, one copy to be placed on each member's desk daily, seventy-five copies to be delivered to the State Library, and the remainder to be left with the Committee on Contingent Expenses for distribution under the direction of the Speaker.

Resolved Further, That no allowances included in this resolution shall be expended except for actual salaries and/or actual expenses of the House, its members, officers, committees, and/or employes hereinabove set out.

All such funds necessary to be expended in payment of the above shall be paid out of the Contingent Expense Fund of the House.

The resolution was read second time, and was adopted.

### MESSAGE FROM THE SENATE

Austin, Texas, September 17, 1935. Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed the following:

S. B. No. 2, A bill to be entitled "An Act making an appropriation of the sum of One Hundred Thousand (\$100,000.00) Dollars for the mileage and per diem and contingent expenses of the First Called Session of the Forty-fourth Legislature."

Respectfully,
BOB BARKER,
Secretary of the Senate.

# ADDRESS BY THE HON, RICHARD KLEBERG

Mr. Dwyer offered the following resolution:

Whereas, The Honorable Richard Kleberg, member of Congress, is at the bar of the House; now therefore

Be It Resolved, That he be invited to address the House.

DWYER, CELAYA, JEFFERSON, ROBERTS, POPE.

The resolution was read second time, and was adopted.

In accordance with the above action, Hon. Richard Kleberg, having been escorted to the Speaker's stand by Messrs. Dwyer, Roberts and Young, Speaker Stevenson presented Hon. Pat Dwyer who introduced the Hon. Richard Kleberg.

Mr. Kleberg then addressed the House.

## REPORT OF THE COMMITTEE ON PRIVILEGES, SUFFRAGE AND ELECTIONS

Mr. Adamson, Chairman, submitted the following report of the Committee on Privileges, Suffrage and Elections:

> State of Texas Austin

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Privileges, Suffrage and Elections has instructed me to report that due and proper and legal contest has not been filed, and for that reason the Committee does not have anything to consider until a contest is filed. Mr. West does not desire to proceed until his contest is duly and properly filed before the Speaker of the House, and that this may be held in abeyance until the proper time. With the adoption of this motion it is specifically understood that it will not impair the right of either contestee or contestant.

Respectfully submitted,
J. W. ADAMSON,
Chairman.

# SENATE BILL ON FIRST READING

The following Senate bill, received from the Senate today, was laid before the House, read first time, and rereferred to the appropriate committee, as follows:

S. B. No. 2, to the Committee on Appropriations.

## MESSAGE FROM THE GOVERNOR

The Speaker laid before the House and had read the following message from the Governor:

> Austin, Texas, September 17, 1935.

To the Members of the Forty-fourth Legislature

(In First Called Session):

Amendment 6 (on the ballot) adopted by the people at the election on August 24th requires the Legislature at the first special session after the adoption of the amendment to pass such legislation as will be necessary to adequately compensate on a salary basis fee officers referred to in said amendment in all counties having a population of 20,000, or more, according to the last preceding Federal census.

I hereby submit to you for legislative action the entire subject matter of said amendment, which was S. J. R. 6, appearing at pages 1235-36, of the General and Special Laws of the Forty-fourth Legislature at its regular session.

It is my understanding that the author of this amendment has been working on a bill for some time. I have been happy to furnish him such assistance as I could, but have had no time to personally study the matter. It is simply submitted to you for such action as you may see fit to take.

- I have been advised by United States Senator Morris Sheppard and Senators, Stone and Poage, that in order for the Brazos River Reclamation project (concerning which an enabling measure was passed during the regular session) to qualify for the securing of Federal funds, it will be necessary to amend existing laws in the following particulars:
- 1. To permit the tax diversion funds, which under the original Act could only be used to discharge bonds payable to Federal agencies, to be negotiable so that they might be issuable to any other agency or holder.
- 2. To permit the net revenues of the district to be used to repay the loan from any agency in addition to Federal agencies.
- 3. That the original Act required use of local relief labors; and Senator Sheppard now states in a telegram that in view of the fact that the Federal Government will find more than enough smaller projects in Texas to require use of all local relief labor and will find it necessary to use transients on the Brazos River Project, in the event of its adoption, it is imperative that this provision restricting labor on this project be changed to permit use of transients if the Federal Government deems it advisable.
- 4. That in view of the possibility that the Federal Government might find it necessary to allot less than thirty million dollars to the Brazos River project, provision should be made to make available the tax diversion funds in proportionately less amounts in case less than thirty million dollars be secured.

Based on these representations, and realizing the necessity and importance of this project, I am submitting to you for immediate consideration the question of so amending the existing law as to enable this project to qualify for the securing of Federal funds.

Respectfully submitted, JAMES V. ALLRED, Governor of Texas.

# SENATE BILL NO. 2 ON SECOND READING

Mr. Leonard moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that Senate Bill No. 2 be placed on its second reading and passage to Venable

third reading, and on its third reading and final pasage.

The motion prevailed by the following vote:

# Yeas-130

Adkins Holland Hoskins Aikin Howard Alexander Huddleston Alsup Hunt Ash Hunter Atchison Jackson Bergman James Bourne Jefferson Bradbury Jones of Falls Bradford Jones of Shelby **Broyles** Jones of Wise Burton Butler of Brazos Keefe Butler of Karnes King Lange Cagle Lanning Caldwell Latham Calvert Leath Canon Lemens Celaya Clayton Leonard Collins Lindsey Colquitt Lotief Colson Lucas Luker Cooper Cowley McCalla Craddock McConnell McFarland Crossley Davison of Fisher McKee McKinney Davisson of Eastland Moffett Morris Dickison Morrison Dunagan Morse Duvall Dwyer Newton England Nicholson Fain Olsen Padgett Farmer Fisher Palmer Patterson Ford Pavne Fox Petsch Frazer Pope Gibson Quinn Glass Reed of Bowie Good Reed of Dallas Graves

Riddle Gray

Roach of Angelina Greathouse Roach of Hunt Hankamer

Hanna Roane Harris of Archer Roark Harris of Dallas Roberts Rogers Hartzog Russell Head Herzik Rutta Hill

Scarborough Hodges Sessions Hofheinz Settle

Shofner Waggoner Wells Smith Steward Westfall Stinson Wood of Harrison Stovall Wood of Montague Tarwater Worley Tennyson Young Thornton Youngblood

#### Absent

Adamson Hyder Beck Jones of Atascosa Daniel Moore Davis Spears Dunlap of Hays Stanfield Dunlap of Kleberg Tillery Walker Hardin

#### Absent—Excused

Fitzwater Mauritz Fuchs Reader Knetsch

The Speaker laid before the House, on its second reading and passage to third reading,

S. B. No. 2, A bill to be entitled "An Act making an appropriation of the sum of One Hundred Thousand Dollars (\$100,000.00) for mileage and per diem and Contingent Expenses of the First Called Session of the Fortyfourth Legislature."

The bill was read second time.

Mr. Graves and Mr. Aikin offered the following amendment to the bill:

Amend Senate Bill No. 2, by adding the following provision at the end of Section 1:

"Provided however that none of the funds herein appropriated shall be used for the purpose of making any improvements on the State Capitol building."

> GRAVES. AIKIN.

The amendment was adopted.

By unanimous consent of the House the caption of the bill was ordered amended to conform to all changes and with the body of the bill.

Senate Bill No. 2 was then passed to third reading.

### SENATE BILL NO. 2 ON THIRD READING

The Speaker then laid Senate Bill No. 2 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

#### Yeas-127

Howard Adkins Huddleston Aikin Alexander Hunt Hunter Alsup Jackson Ash Atchison James Jefferson Bergman Jones of Falls Bourne Jones of Shelby Bradbury Jones of Wise Bradford Keefe **Broyles** King Burton Butler of Brazos Lange Butler of Karnes Lanning Latham Cagle Caldwell Lemens Leonard Calvert Lotief Canon Lucas Celaya Luker Clayton McCalla Collins Colquitt McConnell McFarland Colson Cooper McKee Cowley McKinney Craddock Moffett Crossley Morris Davison of Fisher Morrison Davisson Morse of Eastland Newton Dickison Nicholson Dunagan Olsen Duvall Padgett Dwyer Palmer England Patterson Fain Payne Farmer Petsch Fisher Pope Ford Quinn Reed of Bowie Fox Reed of Dallas Frazer Riddle Gibson Roach of Hunt Glass Roark Good Roberts Graves Rogers Gray Greathouse Russell Hankamer Rutta Scarborough Hanna Harris of Archer Sessions Harris of Dallas Settle Hartzog Shofner Head Smith Herzik Steward Hill Stinson Hodges Stovall

Tarwater

Tennyson

Thornton

Hofheinz

Holland

Hoskins

Venable Wood of Harrison Wood of Montague Waggoner Walker Worley Young Wells Youngblood Westfall

#### Absent

Adamson Leath Beck Lindsey Daniel Moore

Davis Roach of Angelina Dunlap of Hays Roane Dunlap of Kleberg Spears Hardin Stanfield

Hyder Jones of Atascosa

#### Absent—Excused

Tillery

Fitzwater Mauritz Fuchs Reader

Knetsch

#### ADJOURNMENT

On motion of Mr. Lindsey, the House at 10:45 o'clock a. m., adjourned until 10:00 o'clock a. m., tomorrow.

### APPENDIX

## STANDING COMMITTEE REPORTS

The Committee on Appropriations filed a favorable report on Senate Bill No. 2.

### REPORT OF THE COMMITTEE ON ENGROSSED BILLS

Committee Room, Austin, Texas, September 16, 1935. Hon. Coke Stevenson, Speaker of the House of Representatives.

Your Committee on Engrossed Bills to whom was referred

H. B. No. 6, A bill to be entitled "An Act making an appropriation of the sum of One Hundred Thousand Dollars (\$100,000) or so much thereof as may be necessary, out of the General Revenue of the State of Texas, to pay the Contingent Expenses of the First Called Session of the Fortyfourth Legislature of the State of Texas; . . . and declaring an emergency.

Has carefully compared same and finds it correctly engrossed.

HODGES, Chairman.

# REPORT OF THE COMMITTEE ON ENROLLED BILLS

Committee Room, Austin, Texas, September 16, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills to whom was referred

H. C. R. No. 1, Inviting Governor James V. Allred to deliver his message to a joint session of the House and Senate at 12:30 p. m., September 16, 1935.

Has carefully compared same and finds it correctly enrolled.

ROANE, Vice-Chairman.

#### THIRD DAY

(Wednesday, September 18, 1935)

The House met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Stevenson.

The roll was called, and the following Members were present:

Dickison Mr. Speaker Dunagan Adamson Dunlap of Hays Adkins Dunlap of Kleberg Aikin Alexander Duvall Dwyer Alsup England Ash Atchison Fain Farmer Beck Fisher Bergman Ford Bourne Fox Bradbury Frazer Bradford Fuchs **Broyles** Gibson Burton **Butler of Brazos** Glass **Butler of Karnes** Good Graves Cagle Caldwell Grav Greathouse Calvert Hankamer Canon Hanna Celaya Hardin Clayton Harris of Archer Collins Harris of Dallas Colquitt Hartzog Colson Head Cooper Herzik Cowley Hill Craddock Hodges Crossley Hofheinz Daniel Holland Davis Davison of Fisher Hoskins Davisson Howard of Eastland Huddleston

Hunt Petsch Hunter Pope Hyder Quinn Jackson Reed of Bowie James Reed of Dallas Jefferson Riddle Jones of Atascosa Roach of Angelina Jones of Shelby Roach of Hunt Jones of Wise Roane Keefe Roark King Roberts Knetsch Rogers Russell Lanning Latham Rutta Scarborough Leath Lemens Sessions Leonard Settle Lindsey Shofner Lotief Smith Lucas Stanfield Luker Steward McCalla Stinson McConnell Stovall McFarland Tarwater McKinney Tennyson Moffett Thornton Moore Tillery Morris Venable Waggoner Morrison Walker Morse Wells Newton Westfall Nicholson Wood of Harrison Olsen Wood of Montague Padgett Worley Palmer Young Patterson Youngblood Payne

Absent—Excused

Fitzwater Jones of Falls Lange Mauritz McKee Reader Spears

A quorum was announced present.

Rev. George W. Coltrin, Chaplain, offered the following invocation:

"Our Heavenly Father, in the press and urge of our own important affairs may we not forget Thee. 'May the words of our mouths and the meditations of our hearts be acceptable to Thee, O, Lord, our God and our Redeemer'. For Christ's sake, Amen."

# LEAVES OF ABSENCE GRANTED

The following members were granted leaves of absence on account of important business:

Mr. Jones of Falls for today, on motion of Mr. Adkins.

Mr. Lange for today, on motion of Mr. Walker.